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Summary record of the 2079th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 19 January 2016, at 3 p.m.

Chair: Mr Mezmur

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Maldives (continued)
(CRC/C/MDV/4-5; CRC/C/MDV/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Maldives took places at the Committee table.*

2. **Ms. Ahmed** (Maldives), replying to questions asked by Committee members at the 2077th meeting, said that the Government took the attendance of very young children at political rallies very seriously and had publically condemned such behaviour. The Electoral Commission had investigated the matter and had recently issued fines to the political parties found to have encouraged children's participation. The Government had also adopted legislation against gang violence involving children and the Juvenile Justice Unit worked with former child gang members to promote their reintegration into society. Furthermore, various community outreach programmes had been conducted across the country to promote child protection and reduce the number of children becoming involved in gangs.

3. **Mr. Anil** (Maldives) said that the Government would take steps to harmonize existing child protection policies and devise a comprehensive strategic action plan to protect children's rights. In that connection, efforts had already been made to increase the amount of resources allocated to health, education and social services aimed at children.

4. **Ms. Rishmee** (Maldives) said that measures had been adopted to strengthen child mental health services, including the introduction of a national mental health policy. Steps had also been taken to reduce and prevent drug abuse among children, which often exacerbated existing mental illness.

5. **Ms. Shafeea Riza** (Maldives) said that the Juvenile Justice Bill, due to enter into force at the end of 2016, established minimum standards for the investigation and detention of minors and provided for child-friendly arrangements during the judicial process. In addition, steps had been taken to actively promote non-custodial sentences for minors found guilty of lesser offences. As to children's access to legal assistance, article 53 of the Constitution set forth that the State must provide legal representation for children without family or whose family were unable to afford a lawyer where appropriate.

6. **Mr. Anil** (Maldives) said that children in detention were held separately from adults. All cases involving minors were referred to the national juvenile court for consideration.

7. **Ms. Hameed** (Maldives) said that there was a lack of sufficient disaggregated data, particularly in regard to children with disabilities. The Government had taken steps to improve data collection by establishing a national database and would continue to provide financial assistance to persons with disabilities, including children with disabilities.

8. **Ms. Azza** (Maldives) said that measures had been adopted to promote inclusive education for children with disabilities, including through the creation of a national disability council and the establishment of 50 specialist teaching units in mainstream schools. A new national curriculum had also been launched in 2015, which provided for personalized learning plans for children with disabilities. However, more work needed to be done in order to train mainstream teachers in inclusive education practices, which would require significant time and resources.

9. **Mr. Cardona Llorens** said that he would like to know more about the measures taken to improve the availability of data on persons with disabilities and to ensure that children with disabilities living on remote atolls had access to mainstream education.

10. **The Chair** (Country Rapporteur) asked what progress had been made to support children with thalassemia following the adoption of the Thalassemia Act.

11. **Mr. Ashraf** (Maldives) said that the Government had conducted numerous activities to raise awareness of disability and to promote an inclusive society, including through the organization of social, cultural and sporting events involving persons with disabilities. It had also provided disability cards offering significant discounts on a number of products and services to persons with disabilities and had greatly improved their access to health care and social services. Owing to the lack of disaggregated data, there were no concrete figures on the number of children with disabilities living in the Maldives. However, it was estimated that around 2 per cent of the population had one or more disability.

12. **Ms. Hameed** (Maldives) said that the Government had made significant efforts to facilitate the national registration process for persons with disabilities and had conducted several campaigns to raise awareness of the national database, with the active participation of civil society and the wider community. Since 2013, the Government had also launched social housing schemes reserved exclusively for persons with disabilities and had established special occupational therapy centres for children with disabilities.

13. **Ms. Azza** (Maldives) said that children with disabilities living in remote atolls without access to a specialist teaching unit were taught in mainstream schools by specially trained teachers wherever possible. The Government planned to provide specialist training on teaching children with disabilities to at least one teacher per mainstream school by the end of 2016. Efforts had also been made to improve the overall education system, including the national curriculum, and to promote children's rights and gender equality. In recent years, the education completion rate for girls had stood at 100 per cent and girls continued to outperform boys at all levels of education.

14. **Ms. Winter** said that she would like further information on the dropout rate for girls in education and clarification on whether the 100 per cent completion rate for girls referred to primary or secondary education.

15. **Ms. Azza** (Maldives) said that huge internal migratory flows meant that every year many children changed school and, as a result, completion rates sometimes amounted to 100 per cent. Children under house arrest pending trial could attend school and sit examinations.

16. **Ms. Winter** asked whether children in prison received schooling. She wished to know what percentage of girls finished their primary, secondary and tertiary education.

17. **Ms. Azza** (Maldives) replied that the retention rate of girls in grades 1-10 was 100 per cent. Most imprisoned minors were over the age of 15. Their literacy and numeracy skills were assessed with a view to determining what technical or vocational education would be most appropriate for them. It was hoped that, with the assistance of the new United Nations Development Assistance Network Framework (2016-2020) and the United Nations Children's Fund, it would be possible to develop an alternative education programme for young people in detention centres, which would incorporate flexible learning strategies and make use of media and technology.

18. **Ms. Shafeea Riza** (Maldives), replying to the questions related to child labour, explained that under the Employment Act the Labour Relations Authority was the body which trained labour inspectors. The latter undertook regular inspections of

places of employment. There was indeed a need to improve legislation governing the employment of children in family businesses. Under the Child Rights Bill, the Minister in charge of the protection of children's rights would have discretion to harmonize regulations concerning the minimum working age in order to bring them into line with the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization.

19. **Mr. Anil** (Maldives) said that the Family Act referred to kafalah. The Child Rights Bill contained very detailed provisions on the rights and responsibilities of foster parents and on State protection for foster children. Social welfare benefits were being extended to cover foster parents and children.

20. **Ms. Shafeea Riza** (Maldives) said that under the Prison and Parole Act children were entitled to visit parents in prison. A child born in prison could remain with his or her mother in a special facility separate from the rest of the prison up to the age of two.

21. **Ms. Rishmee** (Maldives), explaining policy on breastfeeding, said that 64 per cent of newborn babies were breastfed within one hour of birth; 92 per cent of newborn babies were breastfed within their first day of life and 48 per cent of infants were breastfed exclusively up to the age of 6 months. The average duration of breastfeeding was more than two years. A regulation concerning the production, quality and sale of breast-milk substitutes and feeding bottles had entered into force in January 2016. It was government policy to assist nursing mothers in the workforce, especially in the civil service, by granting them one year's maternity leave and time off to go home to breastfeed their child. Mothers with children under the age of 3 were given flexible working hours in order to have enough time to care for their offspring.

22. **Ms. Ayoubi Idrissi** asked how many children were in prison.

23. **Mr. Anil** (Maldives) undertook to reply to that question once he had received the relevant data. Replying to the question regarding action taken by religious teachers to combat the non-vaccination of children, he said that awareness-raising programmes were conducted with the help of the Ministry of Islamic Affairs. Failure to register the birth of a child and to have him or her vaccinated constituted an offence. In such cases the police and prosecution services ensured that the parents or guardians took the requisite corrective action.

24. **Ms. Azza** (Maldives) said that a child could be enrolled in school even without a vaccination card, or if he or she had not received a key vaccination, but in that case the school would inform the Ministry of Education, which would then report the matter to the Health Protection Agency. The latter would draw up an individual accelerated immunization protocol and forward it to the Ministry, which would monitor compliance therewith. Health centres counselled parents and, as a result, a 100 per cent success rate had been achieved with accelerated vaccinations.

25. **Mr. Mohamed** (Maldives) replying to the question concerning the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, said that families had reportedly been approached by persons trying to recruit children for engagement in terrorist activities, but there was no evidence that any Maldivian children had actually been recruited for such purposes. However, the authorities of his country remained vigilant and were working with other countries to gather detailed information in that respect. The Maldivian intelligence agencies, police and security forces had foiled such recruiting attempts in the past. The fact that anti-terrorism legislation enacted a few months earlier criminalized not only participation in armed conflicts overseas, but also conspiring to take part in them or promoting the idea of joining in armed conflict in another country, would also act as a strong deterrent to any such conduct.

26. **Ms. Ayoubi Idrissi** requested information on measures to disseminate the provisions of the Optional Protocol in schools, the police force, the army and any other relevant authority.

27. 27 **Mr. Nelson** (Country Rapporteur) asked to what extent civil society participated in the resolution of child-related issues. Was it mandatory to seek the views of all civil society organizations prior to the introduction of measures in certain areas? He was keen to learn of any areas in which such consultation had taken place. He wished to know if complaints of harassment of human rights defenders had been investigated and whether any prosecutions had ensued. He wondered whether any steps had been taken to combat the intimidation of human rights defenders. Lastly, he asked what measures had been adopted to counter the non-reporting or underreporting of the sexual abuse of minors and to give the lie to the view that it was better not to report such cases in order to preserve the victim's reputation.

28. **Ms. Hameed** (Maldives) said that representatives of civil society sat on the Foster Care Panel and the Disability Council. Civil society organizations regularly conducted training programmes for social workers. NGOs collaborated very actively with the Government on child protection programmes, especially those directed towards children with disabilities.

29. **Mr. Anil** (Maldives) said that the forthcoming Child Rights Act made provision for a comprehensive coordination mechanism, so that representation of civil society would become mandatory in the above-mentioned instances. The National Integrity Commission could investigate complaints of intimidation and harassment by the police, customs and immigration officials or members of the Correctional Service. The Human Rights Commission investigated all other complaints of harassment of human rights defenders. Such criminal acts could be prosecuted. Although the number of convictions secured for the sexual abuse of minors had risen since the Special Procedures for Perpetrators of Child Sexual Abuse Act had entered into force, there was probably still some underreporting of cases. The Domestic Violence Prevention Act was an attempt to address that problem, by requiring social workers, health workers and the police to report any cases. More training and awareness training was, however, needed by investigators, judges and prosecutors if modern standards were to prevail.

30. **Mr. Nelson** asked if the delegation could provide facts or figures on the outcome of prosecutions of human rights defenders over the past three to four years.

31. **Mr. Kotrane** said that he welcomed the introduction of a bill to prohibit the recruitment of children in armed conflicts. Did legislation in the State party apply extraterritorially so that acts committed abroad could be prosecuted? With regard to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and in the context of paragraph 21 of the list of issues in relation to the third and fourth periodic reports of Maldives (CRC/C/MDV/Q/4-5), there was no mention in the State party's report of any follow-up activities carried out in light of the Committee's concluding observations on the Optional Protocols. The Committee considered that subjecting a child to forced labour was equivalent to the sale of children. The State party was required to include such offences in its legislation. Did legislation in the State party provide for all of the offences featured in the Convention and the Optional Protocols, even though they were not actually being committed within the State party's territory? And was an extraterritoriality provision included for those offences? The Committee was concerned that children as young as 10 years of age could be prosecuted and would like to know if that was the case even when the child was the victim.

32. **Ms. Ayoubi Idrissi** said that she would like to hear more from the delegation on whether the helpline mentioned was truly accessible to all children in the State party, even in remote regions. Was any assistance provided to rehabilitate children who had been victims of offences such as sexual exploitation or to provide them with redress?

33. **The Chair** said that he would like to know more about the definition of a child in the legislation of the State party and what exceptions existed to that definition. Were any exceptions compatible with the Convention? On the issue of the age of child marriage and sexual consent, were there plans to raise the age? The Special Representative of the Secretary-General on violence against children had visited the State party in May 2013 at a time when international attention had been focused on the situation of children's rights in the Maldives because of a court case involving a 15-year old victim. A number of recommendations had been issued by the Special Representative, regarding for instance the importance of awareness-raising, the need to expedite the reform of the Maldivian Constitution in order to protect children from all forms of violence and the need for a high-level platform to foster cooperation between different government entities in order to address all forms of violence against children. To what extent would the Child Rights Bill help the State party to comply with those recommendations?

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

34. **Mr. Mohamed** (Maldives) said that consultations with stakeholders were being held in order to submit the Maldives' reports on the Optional Protocols in the near future. It was important to note that the reporting obligation was a significant burden on small, developing nations such as the Maldives, as was the implementation of the recommendations submitted by the treaty bodies. On the issue on extraterritoriality, the Anti-Terrorism Act which had recently come into force, was applicable extraterritorially, as was the Criminal Code.

35. **Ms. Rishmee** (Maldives) said that the Thalassaemia Control Act 2010 had come into effect in 2012, helping to mainstream the treatment programme and facilitating the availability of medical treatment. Through the Act, thalassaemia screening services were offered outside Malé for the first time. There were a total of 86 health facilities providing blood transfusion services and 5 with blood storage systems. Thalassaemia screening was provided free of charge in seven health facilities. Abortion was permitted in the case of thalassaemia, sickle cell disease, multiple congenital anomalies or conditions threatening the life of the mother.

36. **Ms. Shafeea Riza** (Maldives) said that the proposed Child Rights Bill, which had been submitted to Parliament for approval, had a number of important features. It established a national child protection system, set up a specific department to deliver child protection services, created a national council to implement the bill, and introduced special enforcement mechanisms as well as checks and balances. The national council was an advisory body, composed of civil society, government ministries, the police and the judiciary, which was intended to foster coordination and exercise a regulatory function. Through the newly introduced enforcement mechanisms, the State was able to intervene to help children in need, in particular children experiencing neglect or violence. The Human Rights Commission of Maldives was granted a special monitoring role through the bill, and was also accountable to Parliament.

37. Turning to the question of the definition of a child, according to current legislation anyone under the age of 18 years was considered to be a child, while the minimum age for employment was set at 16. The Government had the discretion to dictate the terms and conditions of employment for 16-18 year olds. The minimum age for marriage was 18, however, in accordance with the Family Law Act, provided that

certain conditions were met and the courts were satisfied that an individual was financially and mentally capable of entering into marriage. With regards to prosecution of a child, criminal responsibility was to be set at a minimum age of 10 years, under the proposed Juvenile Justice Bill and Child Rights Bill. Children between 10 and 15 years of age could only be held criminally responsible for certain serious offences, while for those aged between 15 and 18 years the prosecution was required to prove that the accused had the necessary mental capability to carry out the offence. Regarding the specific case of the 15-year old girl sentenced for fornication, the judgment was overturned by the High Court, which set a precedent, meaning that a person who was a victim could not be prosecuted and would therefore not carry criminal responsibility for their actions.

38. Several laws had recently been enacted covering the offences provided for in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including the offences of the sale of children, sexual exploitation, forced labour, child prostitution and child pornography. A national level steering committee, composed of all of the relevant government agencies, had been put in place and an action plan had been endorsed by that committee, to assess the implementation of the new legislation. The Prevention of Money Laundering and Financing of Terrorism Act introduced measures to provide for the seizure and confiscation of proceeds derived from the offences covered in the Optional Protocol. Recently approved legislation on extradition had the effect of making all of those offences extraditable and under the new Criminal Code extraterritorial jurisdiction was also applicable to those offences.

39. **Ms. Oviedo Fierro** said that the Committee was concerned about the impact of climate change on the islands of Maldives given their low altitude and vulnerability. Were young people involved in efforts to raise awareness of that issue? In addition, in what cases was abortion permitted and were those cases explicitly stipulated in the legal framework?

40. **Mr. Anil** (Maldives) said that Maldives would be one of the countries to experience the most serious effects of climate change. It had raised the issue of climate change internationally and children had always been involved in that task. There was a range of programmes in place for children and adolescents, to raise awareness and find solutions to combat the threat of climate change. There had been national exhibitions and conventions on climate change, with the participation of young people from across the country, and all schools had an environment club in which such issues were addressed. The media had also created programmes on the subject of climate change, aimed at children.

41. **Mr. Ashraf** (Maldives) said that there were two companies providing telecommunication services in the nation and that their services were available across the islands, even in the most remote areas. Children in all regions were therefore able to access the helpline. In addition, many children had their own mobile telephones, which further facilitated their access to the helpline. Child protection policies implemented in schools had also given children a range of options in terms of reporting cases of abuse. Many campaigns had been carried out nationally, including on television, to raise awareness of the helpline and to provide information about the service. With regard to revictimization, the Ministry of Law and Gender had put in place programmes to rehabilitate victims of sexual abuse with the objective of avoiding revictimization. In 2015 over 1,200 cases of child abuse were recorded, with around 30 per cent of the total relating to sexual abuse of children. The number of cases being reported was higher than in the past, as a result of the awareness-raising programmes that had been conducted. The Special Procedures for Perpetrators of

Child Sexual Abuse Act provided for the prosecution and imprisonment of anyone who failed to report child sexual abuse, which encouraged widespread reporting.

42. **Mr. Anil** (Maldives) said that the recommendations made by the Special Representative of the Secretary-General on Violence against Children had been incorporated into new legislation, including the new Child Rights Bill, which had been submitted to Parliament, the Domestic Violence Prevention Act, Sexual Harassment and Abuse Prevention Act and Sexual Offences Act.

43. **Mr. Cardona Llorens** said that the country was under serious threat from the impact of climate change and asked what measures had been taken to educate children on those effects of climate change and the preventive action that needed to be taken. What was being done to protect the islands and safeguard children's future, particularly in the event of a tsunami?

44. **Ms. Azza** (Maldives) said that since 2011 schools dedicated a certain number of days, on an annual basis, to disaster risk reduction awareness. Awareness-raising activities were carried out, comprising first aid sessions, construction workshops and management drills, with a view to increasing children's knowledge and resilience in the event of a natural disaster. Climate change education initiatives were also conducted in cooperation with the National Disaster Management Centre, the Maldives National Defence Force, the Maldivian Red Crescent, the United Nations Development Programme and UNICEF. In 2015, emergency operation plans had been developed in all schools nationwide and assistance was provided by the State to each school to ensure their effective implementation.

45. **Mr. Mohamed** (Maldives) said that climate change was incorporated into the school curriculum. Climate change activism in the State party had sprung from the education sector and school children led the main environmental campaigns, including in the context of the United Nations Framework Convention on Climate Change, with the support of the Ministry of Education. Since the 2004 tsunami, the Government had enacted disaster management and response legislation, strengthened the mandates of the disaster management authorities, and organized public workshops on preparedness and response in the event of a disaster.

46. **The Chair**, speaking as a member of the Committee, asked whether reports were true of the withdrawal of creative and performing arts from some schools following pressure from certain religious groups which deemed it conflictual with Islam.

47. **Ms. Azza** (Maldives) said that the parents of some children in certain schools had expressed their views concerning the teaching of performing arts but that all schools had the obligation to provide creative and performing arts as part of the national curriculum.

48. **Mr. Cardona Llorens** asked whether the provision permitting abortion in cases of the rape of a child who was considered not physically and mentally fit to deliver applied also to girls and women with no mental health disorders.

49. **Ms. Ayoubi Idrissi** asked whether victims of rape that did not constitute incest were also entitled to medical termination of pregnancy.

50. **Mr. Anil** (Maldives) said that medical termination of pregnancy was allowed for thalassemia major, sickle cell major, multiple congenital anomalies and maternal life threatening conditions. It was also permitted within 120 days of conception for pregnancy as a result of rape by an immediate family member, rape of a child who was physically and mentally not fit to assume pregnancy and deliver, or under some specific circumstances, where the doctor believed that medical termination was required.

51. **Ms. Oviedo Fierro** asked for data on the number of cases of medical abortion. She would also like details regarding education and care services for children under 3 years of age.

52. **Mr. Nelson** asked whether measures had been taken to quash views that equated the Convention with anti-Islamic concepts. He asked whether young people were free to follow a religion of their choosing. Could the delegation comment on reports of violence against individuals preaching religious tolerance?

53. **Mr. Anil** (Maldives) said that there were no data available concerning terminations of pregnancy. The authorities, in cooperation with the Ministry of Islamic Affairs, ensured dissemination of the Convention among the public and its compliance with sharia, hence the reservations to certain provisions. There had been no reports of attacks on children on religious grounds.

54. **Ms. Azza** (Maldives) said that day care for children under 3 years was provided throughout the territory and reached 93 per cent of that age group. Nursery schools fell into two categories (one for children up to 30 months and another for those from 30 months to 3 years) and fostered social interaction.

55. **The Chair**, speaking as a member of the Committee, asked whether the High Court ruling prohibiting the president from commuting the death penalty for murder to life imprisonment in cases where the heirs of the victim requested the application of the principle of Qisas (retaliation in kind) applied also to persons under the age of 18.

56. **Mr. Anil** (Maldives) said that a final decision on the ruling in question was pending before the Supreme Court. However, as it stood, presidential pardons could be issued for any person facing the death penalty, except where the heirs of the victim requested the imposition of such a punishment.

57. **Mr. Nelson** thanked the delegation for the open and fruitful dialogue and expressed the hope that the measures outlined would be effectively implemented during the next reporting period with the assistance of the Committee.

58. **Mr. Anil** (Maldives) expressed his thanks to the Committee for its willingness to listen to and engage with the State party. The Government relied on the Committee's support and would be guided by the concluding observations in the formulation of legislation and programmes to strengthen children's rights.

59. **The Chair** acknowledged the reporting burden on the State party and thanked it for its submission. The Committee was looking forward to the State party's ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The concluding observations would cover the death penalty, violence against children and climate change, all of which were serious issues. He encouraged the State party to accelerate implementation of new legislation, which could have a real impact on children's lives.

60. The meeting rose at 5.30 p.m.